

REMARKS

By this amendment, claim 1 has been amended, claims 2-5 have been kept as originally filed and claims 6-9 have been added. No claims have been cancelled. Accordingly, claims 1-9 are now pending in the application. Reconsideration and allowance of all of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

Regarding Office Action Paragraph 2 – Rejection under 35 U.S.C. 102(b)

Examiner has rejected claims 1-5 under 102(b) as being anticipated by Haynes (US Pat. No. 6,105,721). Examiner stated "Haynes teaches an ATV with a secondary seat portion 45 rearward of the main seat portion". This is not all, however, that claim 1 recites. Specifically claim 1 recites a "straddle-type seat...". The secondary seat portion of Hayes is clearly not a straddle-type seat, but rather a bench-type set. Rail member 47 prevents straddle seating. Haynes cannot anticipate claim 1 for at least this reason.

Furthermore, Examiner states that the "secondary seat portion [has] a forward part that is laterally narrower than the rearward part of the main seat portion". With respect, there is nothing in either of the specification or the drawings to indicate that this is the case. It appears from the drawings that the secondary seat portion of Haynes has forward portion which is laterally wider, not narrower, than the rearward portion of the main seat member. Haynes cannot anticipate claim 1 for at least this reason as well.

Despite the fact that applicants believe claim 1 was patentable over Haynes they have nonetheless amended claim 1 to add that the secondary seat portion is not only rearward of, but also adjacent to, the main seat portion. This should more precisely define the claimed invention and make it clear that applicants are not claiming a secondary seat portion which is overhead of the main seat portion. Since this amendment is not in response to the Examiner's rejections regarding the patentability of the claims, no surrender of equivalents is intended thereby.

Conclusion

In view of the above amendments and remarks, the Applicant respectfully submits that all of the currently pending claims are allowable, and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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